

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Pacific Gas and Electric Company to Revise its Electric Marginal Costs, Revenue Allocation and Rate Design. (U39M).

Application 16-06-013

DECISION GRANTING COMPENSATION TO CENTER FOR ACCESSIBLE TECHNOLOGY FOR CONTRIBUTION TO DECISIONS 17-09-035 & 18-08-013

Intervenor: Center for Accessible Technology (CforAT)	For contribution to Decisions (D.) D.17-09-035 and D.18-08-013
Claimed: \$56,180.05	Awarded: \$56,713.05
Assigned Commissioner: Marybel Batjer	Assigned ALJ: Michelle Cooke & Patrick Doherty

PART I: PROCEDURAL ISSUES

A. Brief description of Decision:	<p>D.17-09-035 (Fixed Charge Decision) identifies categories of fixed costs that could be included in the calculation of a fixed charge, in the event a fixed charge proposal is brought before the Commission for approval in future applications.</p> <p>D.18-08-013 (Final Decision) addresses rate design, adopts various settlements while expressing concern about PG&E's approach to rate design, and mandates elements for future rate design applications, including work needed to address affordability in residential rate design.</p>
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B. Intervenor must satisfy intervenor compensation requirements set forth in Pub. Util. Code §§ 1801-1812:¹

	Intervenor	CPUC Verification
Timely filing of notice of intent to claim compensation (NOI) (§ 1804(a)):		
1. Date of Prehearing Conference:	September 12, 2016	Verified
2. Other specified date for NOI:	N/A	
3. Date NOI filed:	October 11, 2016	Verified
4. Was the NOI timely filed?		
Showing of eligible customer status (§ 1802(b) or eligible local government entity status (§§ 1802(d), 1802.4):		
5. Based on ALJ ruling issued in proceeding number:	See comments below	Verified
6. Date of ALJ ruling:	See comments below	December 21, 2015 Verified
7. Based on another CPUC determination (specify):		
8. Has the Intervenor demonstrated customer status or eligible government entity status?		
Showing of “significant financial hardship” (§1802(h) or §1803.1(b)):		
9. Based on ALJ ruling issued in proceeding number:	See comments below	A.15-12-046 Verified
10. Date of ALJ ruling:	See comments below	December 21, 2015 Verified

¹ All statutory references are to California Public Utilities Code unless indicated otherwise.

11. Based on another CPUC determination (specify):		
12. Has the Intervenor demonstrated significant financial hardship?		
Timely request for compensation (§ 1804(c)):		
13. Identify Final Decision:	D.18-08-013	Verified
14. Date of issuance of Final Order or Decision:	August 17, 2018	Verified
15. File date of compensation request:	October 12, 2018	Verified
16. Was the request for compensation timely?		Yes

C. Additional Comments on Part I:

#	Intervenor's Comment(s)	CPUC Discussion
5-7	<p>Showing of customer status: No ruling has been issued in this proceeding regarding CforAT's customer status. CforAT has routinely been found by the Commission to be a "category 3" customer as "an organization authorized by its articles of incorporation or bylaws to represent the interests of residential customers or small commercial customers receiving bundled electric service from an electrical corporation." Since the most recent determination of CforAT's customer status is more than a year old, CforAT has submitted several requests for a finding to refresh the determination. The most recent determination regarding customer status can be found in D.17-05-009, issued on May 12, 2017 in A.14-11-007 <i>et al.</i> Requests for a renewed determination can be found in our NOI submitted on June 5, 2018, in R.18-03-011 as well as our NOI submitted in R.18-07-005 on September 14, 2018.</p>	Verified
9-11	<p>Showing of "significant financial hardship": No ruling has been issued in the proceeding regarding CforAT's showing of significant financial hardship. CforAT has routinely been found eligible for intervenor compensation based on a</p>	Verified

<p>showing of significant financial hardship. At this time, the most recent determination that we have made a sufficient showing is over one year old, and is thus outside of the window for the rebuttable presumption of hardship to apply. The most recent determination regarding customer status can be found in D.17-05-009, issued on May 12, 2017 in A.14-11-007 <i>et al.</i></p> <p>CforAT has submitted several requests for a renewed finding of significant financial hardship beginning with our NOI submitted on June 5, 2018, in R.18-03-011 as well as our NOI submitted in R.18-07-005 on September 14, 2018.</p> <p>For convenience, CforAT reiterates here the basis for requesting a finding of significant financial hardship, as follows:</p> <p>At all times, CforAT represents our constituency of utility customers with disabilities (including many low-income customers) for no charge to the community. CforAT relies on the intervenor compensation program to sustain our ability to represent this unique constituency before the Commission.</p> <p>CforAT has no other source of support for the work we do to represent these vulnerable consumers before the Commission, and few people with disabilities have the resources or awareness of utility issues to consider representation through private counsel. While CforAT's work provides value to our constituency, the value for each individual customer is small compared to the cost of representation; often this value comes in the form of improved accessibility of utility services and</p>	
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	<p>communications (and thus improved customers understanding of programs and services available) rather than in the form of monetary benefit. This interest cannot easily be expressed as an economic interest, but it remains crucial to a vulnerable customer group.</p> <p>If the intervenor compensation program were not available, CforAT would be unable to continue this work.</p> <p>If the Commission requires further information in support of CforAT's financial hardship status, we request the opportunity to provide such information, including sworn testimony or other appropriate material, in support of our compensation request.</p>	
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PART II: SUBSTANTIAL CONTRIBUTION

A. Did the Intervenor substantially contribute to the final decision (*see* § 1802(j), § 1803(a), 1803.1(a) and D.98-04-059):

Intervenor's Claimed Contribution(s)	Specific References to Intervenor's Claimed Contribution(s)	CPUC Discussion
<p>1. Fixed Charge (D.17-09-035):</p> <p>This proceeding began with a focus on the factors to be considered in determining whether to introduce a fixed charge to residential electricity rates, as directed in D.15-07-001 (issued in R.12-06-013). This issue was addressed by the Commission in D.17-09-035.</p> <p>CforAT had limited involvement in the work done on fixed charges. Primarily, CforAT supported the detailed proposal</p>	<p>The Fixed Charge decision noted the input of CforAT (p. 6), and generally cited to CforAT's input regarding the need to take into account the bill impact of any fixed charges combined with other rate changes in progress. Fixed Charge Decision at p. 48. The Fixed Charge Decision then recognized various concerns about affordability and implementation (noting input from the Joint Parties) and concluded that the "specific bill impacts of a proposed fixed charge will be addressed in the relevant rate design proceeding. Fixed Charge</p>	<p>Verified</p>

<p>submitted by the Joint Parties (ORA, SEIA and TURN), noted the importance of considering the impact of fixed charges on affordability, and noted the need to address challenges with customer understanding and acceptance that would accompany any decision to introduce a fixed charge to residential rates. <i>See</i> Opening Comments of the Center for Accessible Technology on Fixed Charge Proposals, filed on January 20, 2017.</p>	<p>Decision at p. 50.</p> <p>The Fixed Charge Decision does not directly cite to CforAT's input on customer education with regard to fixed charges, but did recognized concern about negative reaction from customers. Fixed Charge Decision at p. 48. The Fixed Charge Decision subsequently concluded that "the Commission will not adopt additional ME&O plans at this time," but that "the Commission expects a showing on the plans for marketing, education, and outreach efforts with respect to the proposed fixed charges in in relation [to other changes in residential rates], if and when, a utility files a proposal for a fixed charge." Fixed Charge Decision at pp. 51-52.</p> <p>Overall, particularly in light of the limited participation of CforAT on the fixed charge issue, the Fixed Charge Decision reflects our concerns and notes the importance of taking up the issues raised by CforAT at the time a specific fixed charge proposal by an IOU is considered.</p>	
<p>2. Residential Rate Settlement (D.18-08-013):</p> <p>As one of multiple parties participating in settlement discussions regarding residential rate design, CforAT focused on the issue of PG&E's proposed changes to its Medical Baseline Program. PG&E initially proposed a number of revisions to its Medical Baseline program, including changed to eligibility requirements for customers who need multiple allocations. In the settlement, various changes were</p>	<p>The Final Decision discusses residential rate design and the Residential Rate Design Settlement at §6.5 (pages 67-80). It notes that one of the areas of focus of the residential settlement includes revisions to the Medical Baseline Program, and that "changes to the medical baseline outreach process will enhance public understanding and uptake of the program." <i>Id.</i> at pp. 68-69. The Final Decision approves the settlement. <i>Id.</i></p>	<p>Verified</p>

<p>adopted in the calculation of the Medical Baseline benefit, none of which reduce the benefit for the customers enrolled in the program. PG&E agreed that it would not pursue the changes in eligibility it initially proposed, and further agreed to increase outreach to educate potentially eligible customers regarding the Medical Baseline Program.</p> <p><i>See</i> Motion of Pacific Gas and Electric Company for Adoption of Residential Rate Design Supplemental Settlement Agreement, filed on January 24, 2018, at pp. 6-8.</p> <p><i>See also</i> Notice of Ex Parte Meeting by Center for Accessible Technology, filed on July 13, 2018, noting focus on Medical Baseline issues.</p>	<p>While the Final Decision notes “troubling elements of the settlement,” <i>id.</i> at p. 70, none of these elements relate to CforAT’s focus with regard to residential rate design. The discussion of additional work needed on residential rate design issues does address affordability concerns, which CforAT discusses below.</p>	
<p>3. Affordability (D.18-08-013):</p> <p>In conjunction with this proceeding and the adoption of SB 711 (Hill) Stats. 2017, Ch. 467, the Commission requested input from the parties on efforts to minimize bill volatility for residential customers potentially by making changes to gas and electric baseline. Assigned Commissioner’s Ruling Seeking Additional Information and Comment as it Relates to Electric Baselines, issued on November 17, 2017 (Affordability ACR). The questions set forth in the Appendix to the Affordability ACR asked parties to address the definition of affordability and the ways that baseline changes might minimize bill volatility.</p>	<p>The Proposed Decision of ALJ Doherty (the PD), issued on July 5, 2018, substantially reflected CforAT’s concerns and proposals regarding affordability for residential customers as part of its discussion of additional work needed to address affordability in residential rate design. In particular, the PD mandated that PG&E conduct a study on what constitutes “essential use” for residential customers (specifically citing to CforAT’s input) and that PG&E take substantial steps to increase enrollment in FERA. PD at pp. 73-74.</p> <p>In comments and reply comments on the PD, CforAT strongly endorsed the need for an essential use study and efforts to increase enrollment in FERA. <i>See generally</i> Center for</p>	<p>Verified</p>

<p>CforAT was the only non-utility party to respond to the Affordability ACR (with both opening and reply comments).</p> <p>In Opening Comments, CforAT focused on the definitions of both “volatility” and “affordability, in support of efforts that would reduce month-to-month volatility without increasing annual bill totals. CforAT further attempted to illustrate the tensions between reducing volatility and maintaining affordable rates for essential supplies of electricity. <i>See</i> Opening Comments on Assigned Commissioner’s Ruling Seeking Additional Information and Comment as it Relates to Electric Baselines, filed on January 31, 2018.</p> <p>In Reply Comments, CforAT further focused on the need to generate a model to determine what constitutes “essential use” for residential customers. Reply Comments on Assigned Commissioner’s Ruling Seeking Additional Information and Comment as it Relates to Electric Baselines, filed on February 9, 2018</p>	<p>Accessible Technology’s Opening Comments on Proposed Decision of ALJ Doherty, filed on July 25, 2018 and Center for Accessible Technology’s Reply Comments on Proposed Decision of ALJ Doherty, filed on July 30, 2018. CforAT also reiterated the importance of these matters in an ex parte meeting while the PD was pending. <i>See</i> Notice of Ex Parte Meeting by Center for Accessible Technology, filed on July 13, 2018.</p> <p>The Final Decision maintains these requirements, with additional citations to CforAT’s input. Final Decision at pp. 73-80.</p>	
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B. Duplication of Effort (§ 1801.3(f) and § 1802.5):

	Intervenor's Assertion	CPUC Discussion
a. Was the Office of Ratepayer Advocates (ORA) a party to the proceeding?	Yes (note that the name of the former Office of Ratepayer Advocates has been changed by statute to the Public Advocates Office, abbreviated as Cal PA, since the Final Decision was issued in this proceeding)	Yes
b. Were there other parties to the proceeding with positions similar to yours?	Yes	Yes
c. If so, provide name of other parties: The Utility Reform Network (TURN) took a similar position to CforAT on selected issues including Medical Baseline. CforAT took a similar position to the Joint Parties (ORA, SEIA and TURN) on issues related to fixed charges. Multiple additional parties also supported the residential rate design settlement to which CforAT was a party.		Verified
d. Intervenor's claim of non-duplication: CforAT regularly collaborates with other consumer representatives in matters that come before the Commission to avoid duplication. In this proceeding, CforAT limited our participation to selected specific areas of focus, where other parties were less active. Even with these areas of focus, however, CforAT collaborated as appropriate to avoid duplication. Because of our limited focus, CforAT did not participate in joint filings in this proceeding (except with regard to the residential rate settlement which was supported by all participating parties). For example, CforAT took a limited role addressing the issue of fixed charges, but communicated with the Joint Parties and generally supported their efforts. In addressing issues of residential rate design, CforAT focused on the issue of Medical Baseline, and worked with TURN to address PG&E's proposals regarding this program. CforAT also participated with all other parties as needed to reach the residential rate settlement agreement, including participating in the residential settlement panel at hearing following a direct request by PG&E to do so. On the issue of affordability and potential use of changes to baseline quantities, specifically focused on the response to the Affordability ACR, CforAT was the only non-utility party to participate.		Verified

PART III: REASONABLENESS OF REQUESTED COMPENSATION**A. General Claim of Reasonableness (§ 1801 and § 1806):**

	CPUC Discussion
<p>a. Intervenor’s claim of cost reasonableness:</p> <p>CforAT has worked on all of the issue areas relevant to residential customers raised in this proceeding with a focus on avoiding hardship for our constituency of vulnerable consumers. This includes work to shape future consideration of IOU requests to implement fixed charges for residential customers (which generally result in higher bills for low usage customers), work to respond to proposed changes to PG&E’s Medical Baseline program in conjunction with an overall settlement regarding residential rate design, and work to respond to questions posed by the Commission regarding affordability, bill volatility, and potential changes to baseline quantities. These efforts have benefited our constituency by providing appropriate context for future requests for residential fixed charges, taking steps to increase awareness and enrollment in Medical Baseline and FERA, and supporting appropriate studies on what constitutes “essential usage” for residential customers to allow better consideration of affordability.</p> <p>While CforAT cannot easily assign a dollar value to the benefits that will be obtained by our efforts for any particular customer, our constituency has benefitted and will continue to benefit by our efforts on rate design and affordability. Certain customers who are eligible, but not currently enrolled, in Medical Baseline and/or FERA will directly benefit from increased awareness and enrollment in these programs. Overall, based on these direct and indirect measures in support of vulnerable customers, the benefits to our constituency outweigh the cost of participation by CforAT.</p>	Noted
<p>b. Reasonableness of hours claimed:</p> <p>The time expended by CforAT on this proceeding reflects a reasonable commitment of resources for the matters that have taken place within this proceeding, including work to shape future consideration of fixed charges for residential customers of all IOUs in California, issues of residential rate design for PG&E customers (and specifically issues regarding Medical Baseline), and efforts by the Commission to evaluate how to best ensure affordability of essential supplies of electricity for PG&E’s residential customers. The work included participation in a separate phase on the issue of fixed charges, participation in settlement efforts on residential rates, and work as the sole consumer representative responding to direct requests for party input on questions related to affordability.</p> <p>CforAT took a supporting role on the fixed charge issue and participated in a</p>	Noted

<p>targeted manner in settlement negotiations. CforAT was the only intervenor who responded to the Affordability ACR, and took the lead in addressing the affordability issues and requirements discussed in the Proposed Decision when it was issued.</p> <p>In our NOI, CforAT estimated that we would incur fees of approximately \$64,000. Our actual compensation request is below this estimate.</p>	
<p>c. Allocation of hours by issue: CforAT allocated time spent by our counsel among various issues over time as described below:</p> <p style="text-align: center;">2016: (18.4 hours by Kasnitz)</p> <p>Fixed Charge: 12.4 hours (67.4%) The issue area “Fixed Charge” refers to work on the issue of how the Commission should consider any future IOU proposal to introduce a fixed charge to residential rates. This issue was referred to this proceeding from R.12-06-013, and resulted in the Fixed Charge Decision, D.17-09-035.</p> <p>General Participation: 6.0 hours (32.6%) The issue area “General Participation” includes time spent on procedural matters and time spent on activities that do not fall into the other issue categories. The portion of time classified as General Participation in this proceeding was highest in 2016 (though the total number of hours was small), as much of the initial activity had not yet been tracked into the separate issue areas that subsequently developed.</p> <p style="text-align: center;">2017: (52.1 hours by Kasnitz, allocated as noted below) (12.6 hours by Iseri, 100% allocated to Affordability)</p> <p>Fixed Charge: 18.5 hours (35.5%)</p> <p>General Participation/Rate Design: 6.0 hours (11.5%) In addition to the general activities described above, time records in 2017 include approximately 2.0 hours allocated as “Rate Design.” This time was primarily spent following issues regarding matinee pricing, which resulted in a separate decision by the Commission. Because CforAT did not participate actively on any issues regarding matinee pricing, the limited time spent tracking this issue is grouped with other time allocated to General Participation.</p> <p>Settlement: 24.6 hours (47.2%) The issue area “Settlement” primarily includes time spent participating in the</p>	<p>Noted</p>

<p>development of the Residential Rate Settlement, to which CforAT was a party and an active contributor particularly on issues related to Medical Baseline. It also includes time spent following the development of the other partial settlements that were entered into by various parties.</p> <p>Affordability: 3.0 hours (5.8%) – Kasnitz; 12.6 hours (100%) – Iseri The issue area “Affordability” includes time spent responding to the Affordability ACR and addressing the questions of how to consider affordability, volatility and potential changes to baseline quantities. It also includes (in 2018) virtually all of CforAT’s work related to the PD and eventual final decision, because CforAT focused on the provisions of the PD that emerged based on the Affordability ACR.</p> <p style="text-align: center;">2018: (33.6 hours by Kasnitz, allocated as noted below) (12.0 hours by Iseri, 100% allocated to Affordability)</p> <p>General Participation: 6.8 hours (20.2%)</p> <p>Settlement: 5.0 hours (14.9%)</p> <p>Affordability: 21.8 hours (64.9%) – Kasnitz; 12.0 hours (100%) – Iseri</p>	
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B. Specific Claim:*

CLAIMED						CPUC AWARD		
ATTORNEY, EXPERT, AND ADVOCATE FEES								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate \$	Total \$
Melissa W. Kasnitz	2016	18.4	\$455	D.16-09-033	\$8,3720.00	18.4	\$455	\$8,372.00
Melissa W. Kasnitz	2017	52.1	\$465	D.17-11-031	\$24,226.50	52.1	\$465	\$24,226.50
Melissa W. Kasnitz	2018	33.6	\$475	Apply 2018 COLA to 2017 rate	\$15,960.00	33.6	\$475	\$15,960.00
Michael A. Iseri	2017	12.6	\$210	D.17-11-031	\$2,646.00	12.6	\$210	\$2,646.00
Michael A. Iseri	2018	12.0	\$215	Apply 2018 COLA to 2017 rate	\$2,580.00	12.0	\$215	\$2,580.00

Subtotal: \$53,784.50						Subtotal: \$53,784.50		
INTERVENOR COMPENSATION CLAIM PREPARATION **								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate	Total \$
Melissa W. Kasnitz	2016	1.0	\$227.50	½ Standard Rate	\$227.50	1.0	\$227.50	\$227.50
Melissa W. Kasnitz	2018	11.3	\$237.50	½ Requested Rate	\$2,683.75	11.3	\$237.50	\$2,683.75
Subtotal: \$ 2,911.25						Subtotal: \$2,911.25		
COSTS								
#	Item	Detail			Amount	Amount		
1.	Postage	Hard copies of filed documents			\$17.30	\$17.30		
Subtotal: \$ 17.30						Subtotal: \$17.30		
TOTAL REQUEST: \$56,180.05						TOTAL AWARD: \$56, 713.05 (1)		
<p>*We remind all intervenors that Commission staff may audit the records and books of the intervenors to the extent necessary to verify the basis for the award (§1804(d)). Intervenors must make and retain adequate accounting and other documentation to support all claims for intervenor compensation. Intervenors’s records should identify specific issues for which it seeks compensation, the actual time spent by each employee or consultant, the applicable hourly rates, fees paid to consultants and any other costs for which compensation was claimed. The records pertaining to an award of compensation shall be retained for at least three years from the date of the final decision making the award.</p> <p>**Travel and Reasonable Claim preparation time are typically compensated at ½ of preparer’s normal hourly rate</p>								
ATTORNEY INFORMATION								
Attorney		Date Admitted to CA BAR²		Member Number	Actions Affecting Eligibility (Yes/No?) If “Yes”, attach explanation			
Melissa W. Kasnitz		December, 1992		162679	No, but includes periods of “inactive” status prior to 1997			
Michael A. Iseri		December, 2015		307607	No			

² This information may be obtained through the State Bar of California's website at <http://members.calbar.ca.gov/fal/MemberSearch/QuickSearch> .

C. Attachments Documenting Specific Claim and Comments on Part III:

Attachment or Comment #	Description/Comment
1	Certificate of Service
2	CforAT Time Records

D. CPUC Comments, Disallowances, and Adjustments

Item	Reason
1	Total award adjusted from \$56,180.05 to \$56,713.05. Correction to a mathematical error.

PART IV: OPPOSITIONS AND COMMENTS

Within 30 days after service of this Claim, Commission Staff or any other party may file a response to the Claim (*see* § 1804(c))

A. Opposition: Did any party oppose the Claim?	No
B. Comment Period: Was the 30-day comment period waived (<i>see</i> Rule 14.6(c)(6))?	Yes

FINDINGS OF FACT

1. **Center for Accessible Technology** has made a substantial contribution to D.17-09-035 and D.18-08-013.
2. The requested hourly rates for Center for Accessible Technology's representatives, as adjusted herein, are comparable to market rates paid to experts and advocates having comparable training and experience and offering similar services.
3. The claimed costs and expenses, as adjusted herein, are reasonable and commensurate with the work performed.
4. The total of reasonable compensation is \$56,713.05.

CONCLUSION OF LAW

1. The Claim, with any adjustment set forth above, satisfies all requirements of Pub. Util. Code §§ 1801-1812.

ORDER

1. Center for Accessible Technology shall be awarded \$56,713.05.
2. Within 30 days of the effective date of this decision, Pacific Gas and Electric Company shall pay **Center for Accessible Technology** the total award. Payment of the award shall include compound interest at the rate earned on prime, three-month non-financial commercial paper as reported in Federal Reserve Statistical Release H.15, beginning December 26, 2018, the 75th day after the filing of Center for Accessible Technology's request, and continuing until full payment is made.
3. The comment period for today's decision is waived.

This decision is effective today.

Dated _____, at Los Angeles, California.

APPENDIX**Compensation Decision Summary Information**

Compensation Decision:		Modifies Decision?	No
Contribution Decision(s):	D1709035 and D1808013		
Proceeding(s):	A1606013		
Author:	ALJ'S Cooke and Doherty		
Payer(s):	PG&E		

Intervenor Information

Intervenor	Date Claim Filed	Amount Requested	Amount Awarded	Multiplier?	Reason Change/Disallowance
Center for Accessible Technology	10/12/18	\$56,180.05	\$56,713.05	N/A	Math error

Hourly Fee Information

First Name	Last Name	Attorney, Expert, or Advocate	Hourly Fee Requested	Year Hourly Fee Requested	Hourly Fee Adopted
Melissa W.	Kasnitz	Attorney	\$455	2016	\$455
Melissa W.	Kasnitz	Attorney	\$465	2017	\$465
Melissa W.	Kasnitz	Attorney	\$475	2018	\$475
Michael A.	Iseri	Attorney	\$210	2017	\$210
Michael A.	Iseri	Attorney	\$215	2018	\$215

(END OF APPENDIX)